

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**WARREN TRAVIS PFETZER  
XAVIER DEVONTA SPIVERY  
JEREMY JEROME McLEOD**

**CRIMINAL NO. 1:23-cr-141-TBM-BWR  
CRIMINAL NO. 1:24-cr-015-TBM-RPM  
CRIMINAL NO. 1:23-cr-125-TBM-RPM**

**ORDER DENYING MOTIONS TO DISMISS THE INDICTMENT**

This matter came before the Court on the Defendant Pfetzer's Motion [25] to Dismiss the Indictment, the Defendant Spivery's Motion [21] to Dismiss the Indictment, and the Defendant McLeod's Motion [29] to Dismiss the Indictment. Each Defendant argued that his indictment under 18 U.S.C. Section 922(g)(1) should be dismissed because Section 922(g)(1) is unconstitutional as applied to him in light of the United States Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1, 142 S. Ct. 2111, 213 L. Ed. 2d 387 (2022), and subsequent decisions from the Fifth Circuit in *United States v. Rahimi*, 61 F.4th 443 (5th Cir. 2023), and *United States v. Daniels*, 77 F.4th 337 (5th Cir. 2023). At the hearing conducted in this matter on March 14, 2024, the Court, having considered each Motion, the record in each Defendant's case, the arguments of counsel, and the relevant legal authority, announced its detailed findings and conclusions. The Court concluded that each Defendant's Motion to Dismiss the Indictment should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated on the record at the hearing held on March 14, 2024, the Defendant Pfetzer's Motion [25] to Dismiss the Indictment is DENIED, the Defendant Spivery's Motion [21] to Dismiss the Indictment is DENIED, and the Defendant McLeod's Motion [29] to Dismiss the Indictment is DENIED.

This the 15th day of March, 2024.



TAYLOR B. MCNEEL  
UNITED STATES DISTRICT JUDGE